

July 27, 2006

CITY OF FRANKLIN FILES FOR RULING ON STATE HANDLING
OF SEXUALLY VIOLENT PERSONS

For more information:

Jesse A. Wesolowski
Franklin City Attorney
(414) 529-8900

Today, the City of Franklin filed Petitions with the Wisconsin Department of Health and Family Services, the Department of Corrections and the Sand Ridge Secure Treatment Center, seeking answers as to why law enforcement was not notified that a sexually violent person, Billy Lee Morford, was working at a home where Morford was alleged to have previously committed a sex offense. Wisconsin law requires the agency with jurisdiction to send a bulletin to local law enforcement whenever a sexually violent person is living, employed, or attending school in a Community. "The notification that we believe DHFS was required to send never arrived, and we want to know why," said Franklin Mayor, Tom Taylor. "More importantly, we want to see DHFS and the other responsible agencies fix whatever is broken to make sure that police departments throughout the state are able to do their job to protect citizens from these very dangerous individuals," Taylor said.

A summary of the petition follows. Full text of the filing is available by request from:

Mark Luberda
Director of Administration
City of Franklin
414-425-7500
mluberda@franklinwi.gov

The City of Franklin has filed petitions seeking rulings on critical issues regarding public safety and the State of Wisconsin's supervision policies of people who have been found to be sexually violent persons by a Court. The petitions filed by the City of Franklin seek clarifications or declarations on the following issues:

- Whether the Wisconsin Department of Health and Family Services (DHFS) has adopted rules and policies as required by Wisconsin Statutes which govern the release and supervision of sexually violent persons who are in the custody of the department.
- Whether the Wisconsin Department of Corrections (DOC) and DHFS to the extent it relies upon DOC for this purpose, is following the proper requirements of notifying the local police chief when a sexually violent person enters a municipality for work or school.
- Whether DHFS should be compelled to provide the names and addresses of approved chaperones for sexually violent persons to the police chief of that municipality so they may address the need to protect the public.
- Whether a sexually violent person doing odd jobs at the same residence for an extended period of time constitutes employment and triggers an obligation for DHFS to notify the local police chief of that person's presence in the community.

The City of Franklin is hopeful and trusts the State of Wisconsin through its agencies will address the concerns outlined above without the need for further court action. A notice of claim as may be necessary to preserve those rights will also be served upon the Attorney General.

A summary of facts stated in the Petitions includes:

- In June, 2003, Morford was released to a home approved by DHFS after its giving "special consideration" for proximity to children; the home was 100 feet from a DHFS licensed shelter for sexually abused or battered preteen girls. ("Location chosen for released predator", *Milwaukee Journal Sentinel*, April 27, 2003; "Morford Home Near Abused Children", *Milwaukee Journal Sentinel*, June 9, 2003.)
- On February 20, 2004, DHFS applied to the Court for approval of "non-traditional work" employment for Morford at a home in Franklin. The Court denied the request. (*State v. Billy Lee Morford*, Milwaukee County Circuit

Court Case No. 96CF966242, Petition for Order for Detention, February 20, 2004 Hearing transcript, p. 18.)

- On March 30, 2006, the Franklin Police Chief learned that Morford had been working at this same home with DHFS approval for over a year. The home had been the site of a previous alleged child enticement which resulted in Morford's parole revocation.
- On or about April 7, 2006, upon learning of the facts, the DHFS Secretary "directed staff to permanently suspend Mr. Morford's privilege to visit this residence."
- Ch. 980 makes sexually violent persons subject to "rules of the department" while on supervised release. On April 11, 2006, upon inquiry to DHFS for such rules, Franklin learned that there are no rules – there is "no document" as to any rules for sexually violent persons beyond parole or probation – such as Morford.
- On April 13, 2006, Franklin learned that the decision to let Morford go to the Franklin home was not oversight, but was "discussed at length" by DHFS together with Department of Corrections staff and Senior Sand Ridge Secure Treatment Center clinical management.
- On May 19, 2006, (per WCCA and the Milwaukee County District Attorney's Office), a DOC probation agent for Morford was charged with a violation of Wis. Stat. § 940.20(1)(b), "Lewd and lascivious behavior", for alleged conduct allegedly occurring in public view in Estabrook Park in Milwaukee in the middle of a Thursday afternoon on May 18, 2006, which case is pending.